

U.S. DEPARTMENT OF LABOR BLOG

What to Expect from Your Employer When You're Expecting: Maternal Health Series Offers New and Expectant Moms Vital Information

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The time to prioritize maternal health and protect the rights of working mothers is now. The health of our families, our communities and our economy depends on it.

Maternal mortality rates in the U.S. have increased, according to the Centers for Disease Control and Prevention, with about 700 women a year dying as a result of pregnancy or delivery complications. Black, American Indian, and Alaska Native women face particular risk, with a mortality rate two to three times higher than white women. Yet, research suggests that proper prenatal care and medical management of chronic conditions such as diabetes and high blood pressure could prevent as many as two-thirds of pregnancy-related deaths. CDC data also indicates that poor health outcomes in children, such as obesity and asthma, decrease when they are breast-fed.

Over 57% of all women in the U.S. are active in the nation's workforce. It is imperative, for the health of pregnant and nursing workers and their children, that we guard against pregnancy discrimination in the workplace, ensure job-protected time off from work for birth or to bond with a new child, and guarantee nursing parents have time and space at work to pump breastmilk.

Coinciding with National Breastfeeding Month, U.S. Department of Labor's Wage and Hour Division and Women's Bureau will host representatives from the Equal Employment Opportunity Commission to kick off a year-long series of webinars and outreach events to ensure workers, worker advocates, health care providers and employers understand the workplace rights of new and expectant parents as well as employer responsibilities.

The first event of the series is our *Working Mothers: What to Expect from Your Employer When You're Expecting* webinar on August 10, 1:00 - 2:30 p.m. ET. Register to attend.

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In the webinar, we will present information about the workplace rights of pregnant and nursing workers under the Family and Medical Leave Act, the Break Time for Nursing Mothers provisions of the Fair Labor Standards Act and Title VII of the Civil Rights Act of 1964. Speakers will address pregnancy discrimination; leave for pregnancy-related care, birth bonding; and the rights of nursing parents when they return to the workplace.

During Pregnancy

The Family and Medical Leave Act provides eligible pregnant workers with the right to job-protected medical leave for prenatal care or when they are unable to work because of the pregnancy. For adoptive or foster parents, the FMLA ensures the right to take leave for required counseling, court appointments and related travel prior to the foster care placement or adoption.

Discrimination and harassment based on pregnancy for any aspect of employment including hiring, firing, pay, promotions, training and more is a violation of Title VII of the Civil Rights Act of 1964.

Birth and Bonding Time

The FMLA also provides the right to unpaid, job-protected leave for the baby's birth or the placement of a child with adoptive or foster parents. The right is afforded not only for the birth but for an extended time to bond with the child within the first year of birth or placement.

Returning to Work and Nursing

The Fair Labor Standards Act requires most employers to provide nursing workers reasonable break time and a private space, other than a bathroom, to pump and collect their breastmilk.

It's important that workers and employers also understand that the law protects workers from discrimination or retaliation when they question employer practices or assert their rights.

In the months ahead, our series will also delve into:

- Federal- and state-level rights and benefits
- Industry-specific employer compliance
- Black maternal health

As we kick off the series, we invite you to read the department's two new fact sheets on workplace rights and maternal health:

- Fact Sheet #28P: Taking Leave from Work When You or Your Family Member Has a Serious Health Condition under the FMLA
- Fact Sheet #28Q: Taking Leave from Work for Birth, Placement, and Bonding with a Child under the FMLA

During Pregnancy

Family and Medical Leave Act is available during pregnancy to ensure that eligible pregnant workers receive job-protected medical leave for prenatal care or when they are unable to work because of the pregnancy. In the case of adoption or fostering, the FMLA also covers time spent before the placement for required counseling, court appointments or related travel.

Birth and Bonding Time

The FMLA provides unpaid, job-protected time off from work for the baby's birth or placement for adoption or foster care and subsequent bonding time with the new parents. In the webinar series, we'll discuss medical leave for the birth of a child, bonding time after birth or placement, and how much time off can be taken while still maintaining job-protected status.

Returning to Work and Nursing

In 2010, the Fair Labor Standards Act was amended to require most employers to provide nursing workers reasonable break time and a private space, other than a bathroom, to pump and collect their breastmilk. We know that returning to work can be difficult enough without nursing parents worrying about how they're going to feed their babies while at work and whether employers are going to accommodate their nursing needs. We've heard the stories from mothers and will be sharing more insights and experiences throughout this series.

Taking Action

Becoming a new parent is full of challenges and surprises, and new and expecting parents shouldn't have to play the role of educator or enforcer with their employer in addition to all their new responsibilities. Through this series, we'll inform employers of their obligations under the law and the penalties for not complying. We'll also show workers the information they need to address issues when an employer isn't obeying the law or is retaliating against them for asserting their rights.

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Editor's Note: This blog post has been updated to clarify and source the data on maternal mortality rates.

Tags: nursing mothers, Women's Bureau, working women, working families, Wage and Hour Division (WHD), Wage and Hour Division, breastfeeding, pregnancy discrimination, pregnant workers

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